IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

WEDNESDAY, THE SECOND DAY OF MARCH
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MS JUSTICE G.ROHINI

WRIT PETITION NO : 3073 of 2005

Between:

1 M.Nageswara Reddy, S/o.M.Nagi Reddy,
R/o.Gurappagaripalli Village Rangasamudram Post, Porumamilla

Mandal, Kadapa District.
2 Nagireddy Lakshumma, W/o.Late Sidda Reddy,
R/o.Gurappagaripalli Village Rangasamudram Post, Porumamilla

Mandal. Kadapa District.

..... PETITIONERS

AND

1 The District Collector, Kadapa District at Kadapa.
2 The Mandal Revenue officer, Porumamilla Mandal, Kadapa District.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a writ, order or direction more particularly one in the nature of writ of Mandamus declaring the impugned action of the 2nd respondent in contemplating to remove the bore well of the petitioners situated in Sy.No.7/11, Gurappagaripalli Village, Rangasamudram post, Porumamilla Mandal, Kadapa District contrary to the provisions of A.P.Ground water (Regulation for Drinking water Purposes) Act, 1996 as highly illegal, arbitrary and violative of Art. 14 of the Constitution of India and without jurisdiction.

Counsel for the Petitioner:MR.G.V.SHIVAJI

Counsel for the Respondent No.: GP FOR REVENUE

The Court at the admission stage made the following :

ORDER:

This writ petition is filed seeking a declaration that the impugned action of the 2nd respondent in contemplating to remove the bore well of the petitioners situated in Sy.No.7/11 Gurappagaripalli Village, Rangasamudram Post, Porumamilla Mandal, Kadapa District as arbitrary and illegal.

The petitioners state that they are the owners and possessors of the agricultural lands situated in Sy.No.7/11 Gurappagaripalli Village, Rangasamudram Post, Porumamilla Mandal, Kadapa District and that they have dug a borewell in the said land for the purpose of cultivating their lands. It is alleged that at the instance of one K.Venkateswra Reddy, who belongs to opposite political party, the second respondent – Mandal Revenue Officer, Porumamilla Mandal came to the lands of the petitioners on 29-01-2005 and threatened them to close the borewell failing which the same will be removed forcibly. It is also stated that the second respondent has been continuously threatening them and coercing them to remove the borewell in question without there being any justifiable reason. Aggrieved by the said action, this writ petition is filed.

I have heard the learned Counsel for the petitioners as well as the learned Government Pleader for Revenue appearing for the respondents.

It is to be noted that under the A.P. Water, Land and Trees Act, 2002 (for short, 'the Act') a detailed procedure has been prescribed for protection of the ground water and even for any reason it is found that the borewell dug by the petitioners is not in accordance with the provisions of the said Act, necessary action is required to be taken following due process as prescribed under the Act as well as the Rules made thereunder in G.O.Ms.No.224, dated 15-06-2002 .

In the light of the statutory provisions and having regard to the facts and circumstances of the case, the Writ Petition is disposed of with a direction to the respondents not to interfere with the right of the petitioners to operate the borewell situated in Sy.No.7/11 Gurappagaripalli Village, Rangasamudram Post, Porumamilla Mandal, Kadapa District without following due process of law. No costs.

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02-03-2005

To

1 The District Collector, Kadapa District at Kadapa.
2 The Mandal Revenue officer, Porumamilla Mandal, Kadapa District.
3. Two CCs to the GP for Revenue, High Court Building, Hyderabad. (OUT).
4. Two C.D. copies.

Note:

CC by tomorrow.

(Bo)

sj